

Whereas, the Department of Defense, especially the Department of the Air Force, collaborated extensively with NASA's space shuttle program, including influencing the basic shuttle design, providing many highly skilled shuttle astronauts, and saving the program in lean budget years during its development; and

Whereas, The Secretary of the Air Force has requested that the NASA Administrator transfer a space shuttle orbiter to the Air Force for placement in the Air Force's National Historical Collection through interagency transfer using existing statutes and regulations. This transfer will ensure that a taxpayer-funded space shuttle orbiter will be kept under the ownership and stewardship of the United States government and the American people; Now therefore be it

*Resolved*, That we, the members of the 129th General Assembly of the State of Ohio, conclude that it is in the interest of the American people for a retired space shuttle orbiter to be preserved and exhibited at the National Museum of the United States Air Force at Wright-Patterson Air Force Base near Dayton, Ohio; and be it further

*Resolved*, That we, the members of the 129th General Assembly of the State of Ohio, urge the President of the United States and the Administrator of the National Aeronautics and Space Administration (NASA) to honor the request of the Department of the Air Force, for an interagency transfer of an operational space shuttle orbiter so that it can be displayed at the National Museum of the United States Air Force as a national tribute to the American spirit of space exploration and to the indelible partnership between NASA and the Department of the Air Force which helped make the space shuttle program possible; and be it further

*Resolved*, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the Administrator of the National Aeronautics and Space Administration, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and Secretary of the United States Senate, the members of the Ohio Congressional delegation, and the news media of Ohio.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs. \*Rafael Borrás, of Maryland, to be Under Secretary for Management, Department of Homeland Security.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 802. A bill to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCAIN (for himself and Mr. KYL):

S. 803. A bill to implement a comprehensive border security plan to combat illegal immigration, drug and alien smuggling, and violent activity in the southwest border of the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRAHAM (for himself, Mr. PAUL, and Mr. LEE):

S. 804. A bill to adjust the normal and early retirement ages for receipts of benefits under the Social Security program, increase the maximum age for delayed retirement credit, and provide for progressive price indexing of benefits; to the Committee on Finance.

By Mr. BAUCUS:

S. 805. A bill to amend the Consolidated Farm and Rural Development Act to improve the business and industry direct and guaranteed loan program of the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 806. A bill to require the Secretary of the Army to conduct levee system evaluations and certifications on receipt of requests from non-Federal interests; to the Committee on Environment and Public Works.

By Mr. ENZI (for himself, Ms. LANDRIEU, Mr. ISAKSON, and Mr. COBURN):

S. 807. A bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself and Mr. LEE):

S. 808. A bill to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Mr. KIRK, and Ms. LANDRIEU):

S. 809. A bill to provide high-quality public charter school options for students by enabling such public charter schools to expand and replicate; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself, Ms. COLLINS, Mr. SANDERS, and Mr. LIEBERMAN):

S. 810. A bill to prohibit the conducting of invasive research on great apes, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MERKLEY (for himself, Mr. KIRK, Mr. HARKIN, and Ms. COLLINS):

S. 811. A bill to prohibit employment discrimination on the basis of sexual orientation or gender identity; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BENNET (for himself, Ms. LANDRIEU, and Mr. BROWN of Ohio):

S. 812. A bill to build capacity and provide support at the leadership level for successful school turnaround efforts; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE (for himself and Mr. KYL):

S. 813. A bill to promote public awareness of cyber security; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MANCHIN:

S. 814. A bill to require the public disclosure of audits conducted with respect to entities receiving funds under title X of the Public Health Service Act; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. CONRAD, Mr. KIRK, Mr. PRYOR, Mrs.

GILLIBRAND, Mr. COATS, Mr. RUBIO, Mrs. HUTCHISON, Mr. JOHANNNS, Mr. HOEVEN, Mr. CARDIN, Mrs. SHAHEEN, Mr. REID, and Mr. ROCKEFELLER):

S. 815. A bill to guarantee that military funerals are conducted with dignity and respect; to the Committee on Veterans' Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON:

S. Res. 144. A resolution supporting early detection for breast cancer; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of the United States as the world leader in medical device innovation.

S. 22

At the request of Mrs. GILLIBRAND, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 22, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the additional standard deduction for real property taxes for nonitemizers.

S. 44

At the request of Ms. KLOBUCHAR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 44, a bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries.

S. 137

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 137, a bill to amend the Public Health Service Act to provide protections for consumers against excessive, unjustified, or unfairly discriminatory increases in premium rates.

S. 260

At the request of Mr. NELSON of Florida, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 325

At the request of Mrs. MURRAY, the name of the Senator from New Mexico

(Mr. UDALL) was added as a cosponsor of S. 325, a bill to amend title 10, United States Code, to require the provision of behavioral health services to members of the reserve components of the Armed Forces necessary to meet pre-deployment and post-deployment readiness and fitness standards, and for other purposes.

S. 344

At the request of Mr. REID, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 344, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 366

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 366, a bill to require disclosure to the Securities and Exchange Commission of certain sanctionable activities, and for other purposes.

S. 393

At the request of Mr. REED, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 393, a bill to aid and support pediatric involvement in reading and education.

S. 398

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes.

S. 431

At the request of Mr. PRYOR, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 484

At the request of Mr. BENNET, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 484, a bill to direct the Secretary of Education to pay to Fort Lewis College in the State of Colorado an amount equal to the tuition charges for Indian students who are not residents of the State of Colorado.

S. 506

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 506, a bill to amend the Elementary

and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 542

At the request of Mr. BEGICH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 542, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 634

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 634, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 668

At the request of Mr. CORNYN, the names of the Senator from Illinois (Mr. KIRK) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 668, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 696

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 696, a bill to amend title 38, United States Code, to treat Vet Centers as Department of Veterans Affairs facilities for purposes of payments or allowances for beneficiary travel to Department facilities, and for other purposes.

S. 705

At the request of Mr. CARPER, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 705, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 710

At the request of Mr. THUNE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 710, a bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system.

S. 718

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 718, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides.

S. 722

At the request of Mr. WYDEN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 722, a bill to strengthen and protect Medicare hospice programs.

S. 746

At the request of Mr. SHELBY, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 746, a bill to repeal provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

S. 788

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 788, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 797

At the request of Ms. MIKULSKI, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 797, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 799

At the request of Mr. KERRY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 799, a bill to establish a regulatory framework for the comprehensive protection of personal data for individuals under the aegis of the Federal Trade Commission, and for other purposes.

S. CON. RES. 4

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. CON. RES. 7

At the request of Mr. BARRASSO, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. Con. Res. 7, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 27

At the request of Mr. WEBB, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 27, a resolution designating January 26, 2011, as "National Kawasaki Disease Awareness Day".

S. RES. 135

At the request of Mr. LUGAR, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 135, a resolution remembering the 1 year anniversary of

the April 10, 2010, plane crash that claimed the lives of the President of Poland Lech Kaczynski, his wife, and 94 others, while they were en route to memorialize those Polish officers, officials, and civilians who were massacred by the Soviet Union in 1940.

S. RES. 138

At the request of Mrs. GILLIBRAND, the names of the Senator from Kansas (Mr. MORAN), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Florida (Mr. NELSON), the Senator from Pennsylvania (Mr. CASEY), the Senator from Florida (Mr. RUBIO), the Senator from Massachusetts (Mr. BROWN), the Senator from Illinois (Mr. KIRK), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Oregon (Mr. WYDEN), the Senator from New York (Mr. SCHUMER), the Senator from Utah (Mr. HATCH) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. Res. 138, a resolution calling on the United Nations to rescind the Goldstone report, and for other purposes.

AMENDMENT NO. 289

At the request of Mr. CARPER, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 289 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE:

S. 802. A bill to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. INHOFE. Mr. President, I would like to bring to the Senate's attention The Lake Thunderbird Efficient Use Act of 2011.

This bill allows the Central Oklahoma Master Conservancy District to import and store non-project water into Lake Thunderbird, if the Secretary of the Interior determines there is enough capacity to do so. Allowing additional water to be stored at Lake Thunderbird would help increase municipal and industrial supplies for the cities served by the District, which include Norman, Midwest City, and Del City.

There is no cost associated with this bill. Any additional infrastructure needs will be the responsibility of the non-Federal establishment contracting with the Secretary.

This legislation does not change the capacity of Lake Thunderbird and will help increase water supplies in a growing metropolitan area. Over the last decade, the Norman area grew by 15 percent making it one of the fastest

growing areas in the State. As the area continues to grow, and as Tinker Air Force Base requires a growing water supply, there will be a greater need for access to the water supplies of the Lake Thunderbird reservoir.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 806. A bill to require the Secretary of the Army to conduct levee system evaluations and certifications on receipt of requests from non-Federal interests; to the Committee on Environment and Public Works.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 806

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Community Flood Protection Act of 2011".

#### SEC. 2. RURAL COMMUNITY FLOOD PROTECTION.

(a) IN GENERAL.—On receipt of a request from a non-Federal interest, the Secretary of the Army (referred to in this section as the "Secretary") shall conduct a levee system evaluation and certification of a federally authorized levee or a non-federally authorized levee for purposes of the National Flood Insurance Program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(b) REQUIREMENTS.—A levee system evaluation and certification under subsection (a) shall—

(1) at a minimum, comply with the requirements of section 65.10 of title 44, Code of Federal Regulations (as in effect on the date of enactment of this Act); and

(2) be carried out in accordance with such procedures as the Secretary, in consultation with the Director of the Federal Emergency Management Agency, may establish.

(c) COST SHARING.—

(1) NON-FEDERAL SHARE.—Subject to paragraph (2), the non-Federal share of the cost of carrying out a levee system evaluation and certification under this section shall be 35 percent.

(2) ADJUSTMENT.—The Secretary shall adjust the non-Federal share under paragraph (1) to zero if—

(A) the non-Federal interest is located in an area with a population of 10,000 or fewer individuals; or

(B) the division of the non-Federal interest with responsibility for the applicable levee is staffed by individuals operating on a volunteer basis.

By Mr. ENZI (for himself, Ms. LANDRIEU, Mr. ISAKSON, and Mr. COBURN):

S. 807. A bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise today to introduce legislation with Senator LANDRIEU known as the Voluntary Protection Program Act. This bill will codify the Voluntary Protection Programs, or VPP, expand it to include more small businesses, and incorporate

recent GAO recommendations for program improvements.

No program has been more successful in creating such a culture of safety in the workplace than VPP. Since it was created in 1982, Republican and Democrat administrations alike have fostered its growth to more than 2,500 worksites, a quarter of which are unionized, and it covers approximately one million employees. The bipartisan support for VPP continues into this Congress. Last year, the Senate Budget Committee unanimously approved an amendment to preserve VPP budget authority and I have been pleased to work with the Chair of the Senate Small Business Committee, Senator LANDRIEU, on this bill again this Congress. Our bill is also drawing bipartisan support in the House of Representatives. Congressmen TOM PETRI and GENE GREEN are introducing companion legislation today and I thank them for their strong support on this important issue.

Worksites that pass the rigorous evaluation process and become VPP sites have an average Days Away Restricted or Transferred, DART, case rate of 52 percent below the average for its industry. In recent years, smaller worksites have made significant strides in VPP, increasing from 28 percent of VPP sites in 2003 to 44 percent in 2010.

The innovative program doesn't just keep employees safer; as I have noted, it also saves both the VPP companies and the taxpayer's money. In 2007, Federal Agency VPP participants saved the government more than \$59 million by avoiding injuries and private sector VPP participants saved more than \$300 million. The Department of Defense has estimated that it saves between \$73,000 and \$8.8 million per site because of VPP. Additionally, when workplaces make the significant commitment to safety required by VPP, it allows OSHA to focus its resources where they are most needed. VPP Participant employers contribute a great deal to the VPP program expenditures. VPP participants have assigned approximately 1,200 of their own employees to act as OSHA Special Government Employees, SGEs, who conduct onsite evaluations for OSHA.

Despite the strong bipartisan support for VPP and its very positive results, the need for this legislation has become painfully clear. Last year, the administration's fiscal year 2011 Budget Request proposed eliminating the small amount it takes to administer VPP—\$3.125 million—and sought to transfer the 35 FTE it takes to run the program to other functions. The failure to complete the appropriations process last year thwarted that plan, and the administration did not renew the request in their fiscal year 2012 budget proposal. I hope that Department of Labor officials will note the bipartisan support VPP has and maintain support for the program. Surely, this proven life and cost-saving program is something we can all get behind.